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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,288	03/06/2002	Randall S. Knipp	13212.111	7774
24283	7590	01/16/2007		
PATTON BOGGS 1660 LINCOLN ST SUITE 2050 DENVER, CO 80264			EXAMINER FISHER, MICHAEL J	
			ART UNIT 3629	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/16/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/092,288	<b>Applicant(s)</b> KNIPP ET AL.	
	<b>Examiner</b> Michael J. Fisher	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 16,17,21-30 and 33-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16,17,21-30,33-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 16,17,21-30,33-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 6,076,652 to Head, III (Head) in view of US PAT 6,609,108 to Pulliam et al. (Pulliam).

As to claims 16,30, Head discloses a production system for the production of customized orders (col 12, lines 17-44) comprising: a plurality of manufacturing means (assembly lines being a plurality of manufacturing means), means for automatically activating one of the manufacturing means to implement each step in the multi-step manufacturing process (col 12, lines 45-53), computers inherently have display screens. Head further teaches an assembly line (fig 2) which would inherently have transport means to get to each workstation (fig 2), it further would inherently have stock feed means to feed the stock to be used, stock gripper means else the stock could not be worked, and Head further teaches stock registration means for automatically register transport means to each manufacturing means (figs 3A-3N).

Head does not, however, teach means for receiving orders. The examiner takes Official Notice that it is old and well known in the art to take orders from customers.

Pulliam teaches an online ordering system (title) that can be used with a customized ordering system (fig 4B "place custom order") that includes login means for the customer (col 9, lines 28-34), product selection means (fig 4B, 420), product

Art Unit: 3629

customization means (fig 5, 434), product order means (fig 4B, 420). It would have been obvious to one of ordinary skill in the art to modify the system as taught by Head with the customer-configuration as taught by Pulliam as Pulliam teaches this as a good way to take customized orders, which is the function of Head.

It would have been obvious to one of ordinary skill in the art to include these apparatuses as the system could be used to produce "social expression products" (greeting cards/printed stock) and further, Head discloses the system as being able to control a typewriter (col 12, line 57- col 13, line 4).

As to claim, 33, it would be inherent that there would be means for identifying a plurality of manufacturing means necessary for completion of an order and the method used else the order could not be completed.

As to claim, 34, it would be inherent that the manufacturing means include means to perform the function else the manufacturing means could not manufacture its stage of the product.

As to claims 35,36 Head discloses means for registering that the manufacture means have received the material (24, as best seen in fig 1) in proper orientation (fig 3C, 104,108,109).

As to claim, 37, Head does not disclose a printer, emboss apparatus, scoring apparatus, stock cutting apparatus or a stock folding apparatus. It would have been obvious to one of ordinary skill in the art to include these apparatuses as the system could be used to produce "social expression products" (greeting cards) and further,

Art Unit: 3629

Head discloses the system as being able to control a typewriter (col 12, line 57- col 13, line 4).

As to claim, 38, the amount aggregated would be the amount ordered.

As to claim, 39, the examiner takes official notice that it is old and well known in the art to package completed merchandise for shipping. Therefore, it would have been obvious to one of ordinary skill in the art to provide means for packaging the finished product for shipping to protect the product from getting dirty or being damaged during shipping.

As to claim, 40, the examiner takes Official Notice that it is old and well known in the art to take orders via the telephone.

Therefore, it would have been obvious to one of ordinary skill in the art to use the telephone to take orders to allow the customer to speak to a person so as to try to avoid errors.

As to claim, 41, as the system is discloses as being for customized products (as discussed in relation to claims 1,30), it would have been obvious to one of ordinary skill in the art to allow the customer to choose customized services as this is what the system is designed to do.

As to claim 42, as there is disclosed a means (computer) for controlling the process (as discussed in relation to claims 1,30), it would be inherent that there is means to give the computer direction and computers accept direction in data files (computer files).

Art Unit: 3629

As to claim 43,44, as the manufacture means are disclosed as being activated selectively (as discussed in relation to claims 1,30), the system would inherently have a means responsive to orders to selectively activate the manufacture means and a means to generate such files.

As to claims 17, it would be inherent that the product produced must be identified else the finished product would not be correct.

As to claim 19, if the finished product is to be printed stock, it would be inherent that the work piece be printable stock.

As to claim 21, Head, discloses means connected to and interconnecting the manufacturing means (the assembly line) that transports partially completed pieces (inherent in an assembly line as the pieces are added to at each stop and only completed at the end of the line) the predetermined order that which will produce the finished product properly.

As to claim 22, Head does not disclose a printer, emboss apparatus, scoring apparatus, stock cutting apparatus or a stock folding apparatus. It would have been obvious to one of ordinary skill in the art to include these apparatuses as the system could be used to produce "social expression products" (greeting cards) and further, Head discloses the system as being able to control a typewriter (col 12, line 57- col 13, line 4).

As to claim 23, the examiner takes official notice that it is old and well known in the art to package completed merchandise for shipping. Therefore, it would have been obvious to one of ordinary skill in the art to provide means for preparing the product for

Art Unit: 3629

packaging so as to package the product to protect the product from getting dirty or being damaged during shipping.

As to claim 24, the examiner takes official notice that it is old and well known in the art to package completed merchandise for shipping. Therefore, it would have been obvious to one of ordinary skill in the art to provide means for packaging the finished product for shipping to protect the product from getting dirty or being damaged during shipping.

As to claim 25, the examiner takes Official Notice that it is old and well known in the art to take orders via the telephone.

Therefore, it would have been obvious to one of ordinary skill in the art to use the telephone to take orders to allow the customer to speak to a person so as to try to avoid errors.

As to claim 26, the examiner takes Official Notice that it is old and well known to take orders over the Internet. Therefore, it would have been obvious to one of ordinary skill in the art to allow a user to use a display (computer monitor) to order products to allow the manufacturer to take orders over the Internet.

As to claim 27, as there is disclosed a means (computer) for controlling the process (as discussed in relation to claims 1,30), it would be inherent that there is means to give the computer direction and computers accept direction in data files (computer files). These would inherently be "uploaded".

As to claims 28,29, as the manufacture means are disclosed as being activated selectively (as discussed in relation to claims 16,30), the system would inherently have a means responsive to orders to selectively activate the manufacture means.

### ***Response to Arguments***

Applicant's arguments filed 12/5/09 have been fully considered but they are not persuasive. As to arguments in relation to "hard" and soft products, as discussed, the prior art does teach the accurate placement of the product. Further, it is old and well known for robotic assembly lines to check to ensure that the piece is in the proper location. This would be necessary for all materials else the machine would perform its function in an improper place.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.




Art Unit: 3629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Fisher



Patent Examiner  
GAU 3629

MF   
7/24/06